

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number  
B819.12-0010

In re Application of: Weston F. Harding et al.  
Application No.: 10/828,964  
Filed: April 21, 2004  
For: NEEDLELESS LUER ACCESS CONNECTOR



The owner\*, Weston F. Harding et al., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,908,459 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 57,588

Carolyn H. Beck  
Signature

March 16, 2009  
Date

Carolyn H. Beck  
Typed or printed name

612 337 7216  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

# FEE TRANSMITTAL

Complete if Known

Application No.	10/828,964
Filing Date	April 21, 2004
First Named Inventor	Weston F. Harding
Group Art Unit	3763
Examiner Name	Vu, Quynh-Nhu Hoang
Atty. Docket Number	B819.12-0010

Total Amount of Payment **\$140.00**

## METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No.11-0982. Deposit Account Name: Kinney & Lange, P.A.

2. ☒ Check Enclosed

## FEE CALCULATION

### 1. BASIC FILING FEE

Appn. Type	FILING FEE FEE/SMALL	SEARCH FEES FEE/SMALL	EXAM FEES FEE/SMALL	FEES PD.
Utility	330 / 165	540 / 275	220 / 110	
Design	220 / 110	100 / 50	140 / 70	
Reissue	330 / 165	540 / 270	650 / 325	
Provisional	220 / 110	-0- / -0-	-0- / -0-	
Subtotal (1) \$				-0-

### 2. EXTRA CLAIM FEES

	Number Claims	Prior	Extra	Fee from Below	Fee Paid
Total	-	=	X	=	-
Indep.	-	=	X	=	-
Multiple Dependent Claims				=	-

Insert 3 and 20, or number previously paid if greater; Reissue see below

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Description
1202	52	2202	26	Claims in excess of 20
1201	220	2201	110	Independent claims in excess of 3
1203	390	2203	195	Multiple Dependent Claim
1204	220	2204	110	Reissue Independent Claims Over Original Patent
1205	52	2205	26	Reissue claims in excess of 20 and over original patent

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 small) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s). \$-0-

Subtotal (2) \$-0-

## FEE CALCULATION (Continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee paid
1051	130	2051	65	Surcharge - Late filing fee or oath	___
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	___
1053	130	1053	130	Non-English specification	___
1812	2,520	1812	2,520	For Filing a Request for Reexamination	___
1251	130	2251	65	Extension for reply within first month	___
1252	490	2252	245	Extension for reply within second month	___
1253	1,110	2253	555	Extension for reply within third month	___
1254	1,730	2254	865	Extension for reply within fourth month	___
1255	2,350	2255	1,175	Extension for reply within fifth month	___
1402	540	2402	270	Filing a brief in support of an appeal	___
1403	1,080	2403	540	Request for oral hearing	___
1814	140	2814	70	Terminal Disclaimer Fee	<u>140</u>
1452	540	2452	270	Petition to revive - unavoidable	___
1453	1,620	2453	810	Petition to revive - unintentional	___
1501	1,510	2501	755	Utility/Reissue issue fee	___
1502	860	2502	430	Design issue fee	___
1464	130	1464	130	Petitions to the Commissioner	___
1807	50	1807	50	Petitions related to provisional applications	___
1806	180	1806	180	Submission of Information Disclosure Statement	___
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	___
1801	810	2801	405	Request for Continued Examination (RCE)	___
Other fee (specify) _____					___
Subtotal (3) \$					140.00

Signature Carolyn H. Beck Reg. No. 57,588  
Carolyn H. Beck

Date March 16, 2009 Deposit Account No. 11-0982